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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, and  
THE BRAUN FAMILY TRUST by its co-trustee  
ERIC BRAUN, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT,  
LLC, *et al.*,

Defendants.

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No. C 10-03588 WHA

**ORDER RE UNDELIVERABLE  
CLASS NOTICES**

Class counsel are advised that the Court has received as undeliverable envelopes containing the class notice and request to opt out form for the following:

- Sovereign Inherent Return Fund LP
- DFK Limited Partnership
- David F. Kaplan
- Mark Christiansen & Amy Lodato JTWROS
- Sarah Keenan Living Trust (also marked “forwarding order expired”)

The Court is also in receipt of a request to opt out form from NYROY — Acct #1516 Pledged to Royal Bank of Canada. The only marking on the form states the following: “Please issue check in name of beneficial owner Laurel Partners, L.L.C.” The form is dated June 5, 2012 and signed by John Villani, attorney in fact.

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The Court would be inclined not to extinguish the rights of any class member who fails to receive notice. Such class members would be deemed opted out of the class. But counsel are welcome to cure the failure to deliver by locating an alternative address to mail each class notice and request to opt out that was undeliverable. Counsel must do so promptly so that each class member whose mail was returned as undeliverable will receive the class notice and have adequate time to object or request exclusion from the class.

**IT IS SO ORDERED.**



Dated: June 14, 2012.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE